

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE: MERCY HOSPITAL, IOWA CITY, IOWA, <i>et al.</i> , n/k/a MHIC, Debtors.	Chapter 11 Bankruptcy Case No. 23-00623 MOTION TO AUTHORIZE OMNIBUS OBJECTIONS DISALLOWING INDIVIDUAL PROOFS OF CLAIM (PENSIONERS) AND FOR OTHER RELIEF
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COMES NOW Dan R. Childers, in his sole capacity as Trustee (“Trustee”) of the Liquidation Trust (“Trust”) and in support of this Motion respectfully states:

1. The Trust was created pursuant to a Plan duly confirmed by this Court.
2. The Trust is currently administered by the Trustee.
3. The Debtors operated Mercy Hospital in Iowa City and through the years the Hospital has established a Pension Plan (“Pension Plan”) in favor of various retired employees. Before the filing of the Chapter 11 Petition, the Hospital has ceased funding the Pension Plan. As of the date of filing of the Petition, the Pension Plan was under-funded.
4. During the Chapter 11 case, this Court appointed an Official Pensioners Committee, which was served by independent counsel. The Committee and counsel actively participated in the confirmation process, which led to an almost-universal acceptance of the treatment proposed in the Plan.
5. As indicated, a Plan was eventually confirmed. The provisions of the Plan material to this Motion include:
 - a. “Pension Beneficiaries” was defined to mean “any person entitled to distributions from the Pension Plan.” *See* Plan at Article II(A)(1.155) (Dkt #1050).

b. “Pension Claim” means “any Claim of the Pension Plan or alleged direct Claim of the Pension Beneficiaries against the Debtors that is unpaid as of the Effective Date.” *See id.* at Article II(A)(1.157).

c. Class 5 “consists of all Pension Claims.” *See id.* at Article V(B)(6).

d. “Pension Trust” refers to “The Mercy Hospital Employees’ Pension Trust... with Principal Trust Company as Trustee,” which funded the Pension Plan originally established by the Hospital effective January 1, 1968. *See id.* at Article III(A)(2)(iii).

e. The “Pension Trust” shall receive the “Unsecured Claims Waterfall Amount” in “full and final satisfaction, compromise, settlement, release, and discharge of all Allowed Pension Claims.” *See id.* at Article V(B)(6)(b).

6. According to the Trustee’s Financial Advisors, there were approximately 1,000 Pensioners as of the date of filing of the original Petition. As of the date of filing of this Motion, approximately 400 Pensioners have filed individual Proofs of Claim with Epiq.

7. The Trustee of course understands, at least as of the filing of the Petition, the individual Pensioners might be entitled to assert claims (in the 11 U.S.C. §502 sense) against the Debtors. As such, the Trustee appreciates the individual Proofs of Claim filed by the approximately 400 Pensioners. However, in light of the provisions of the Plan, *see supra* ¶5, the Trustee posits each and every individual Pensioners’ Claims are to be paid to the Pension Trust as provided in Class 5 of the Plan. As such, the approximately 400 individual Proofs of Claim should be disallowed, because all individual Pensioners will receive distribution (if any) as members of Class 5. Further, allowing the 400 Proofs of Claim filed by the individual Pensioners and also making distributions to Class 5 will likely result in

double recovery in favor of the 400 individual Pensioners who have filed Proofs of Claim.

8. The Trustee therefore via this Motion objects to allowance of each and every one of the approximately 400 individual Pensioners' Proofs of Claim.

9. F.R.B.P. 3007(c) provides "unless the Court orders otherwise," objection to more than one Claim may not be joined in a single objection. The Trustee by this Motion seeks an Order from this Court, pursuant to the "unless the Court orders otherwise" language in F.R.B.P. 3007(c), disallowing each and every one of the approximately 400 individual Pensioners' Proofs of Claim by this single Motion. Specifically, the Trustee will cause to be served Notice of this Motion, on each and every one of the 400 individual Pensioners who had filed individual Proofs of Claim, by ordinary mail and the Trustee will also publish this Motion AND Notice in the local newspaper in Iowa City, Cedar Rapids, and Des Moines.

10. The Trustee respectfully submits issuing Notice of this Motion sufficiently complies with the applicable Rules governing claim objections, even when a large number of claims are involved (such as the approximate 400 individual pensioners who had filed Proofs of Claim). Indeed, procedure similar to the relief requested by this Motion has been allowed in *In re Antioch Co., LLC*, No. 13-41898, 2011 WL 13506552 (Bankr. D. Minn. Jan. 17, 2014).

11. Pursuant to previous Order from this Court, the Trustee was granted through and including June 30, 2025, to object to the Proofs of Claim filed by the individual pensioners. The Trustee submits the filing of this Motion timely complied with the June 30 objection filing deadline. To the extent (if at all) or in the event the relief in this Motion is denied, the Trustee hereby respectfully seeks this Court to grant the Trustee through and

including 20 days after denial of the relief requested in this Motion to assert objections to various Proofs of Claim filed by the individual pensioners.

WHEREFORE, the Trustee respectfully prays that this Court on such notice and hearing as it may direct, enter and enroll an Order overruling and disallowing each and every one of the approximately 400 Proofs of Claim filed by the individual Pensioners, and for such other relief as may be just and proper under the premises.

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Certificate of Service

The undersigned certifies, under penalty of perjury, that on this 25th day of June, 2025, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of this case, and the document was also mailed via the United States mail with postage fully paid to the parties displayed on the Attached Matrix.

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